

**REMARKS****I. Status of the Claims:**

Claims 1-19 are pending in this application.

By this Amendment, claims 1, 2, 4, 5, 7, 10, 13 and 17-19 have been amended, and new claims 20-39 have been added. No new matter is believed to have been added by this Amendment. Upon entry of this Amendment, claims 1-39 would be pending.

**II. Rejection Under 35 U.S.C. § 101:**

Claims 17, 18, and 19 are rejected under 35 U.S.C. § 101 because these claimed inventions are allegedly directed to non-statutory subject matter. The Applicant has amended these claims in accordance with the Examiner's suggestions to reflect "computer-readable medium encoded with a computer program". Thus, reconsideration and withdrawal of the rejection of these claims are respectfully requested.

**III. Claim Rejections – 35 U.S.C. §§ 102 and 103:**

Claims 1,3-4,6-7,9, and 13-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamaya, US 2004/0109062. Claims 10 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kubo, US 7,151,564. Claims 2, 5, 8, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaya (not Takahashi) in view of Malloy Desormeaux, US 2004/0201742. For the Examiner's reference, it appears that Takahashi was inadvertently cited instead of Yamaya for the 103 rejection.

**A. Claims 1, 4, 7 and 13:**

Claim 1 is directed to an information acquisition method for an information processing apparatus which acquires attribute information related to image data of images stored in an external device. The method, as amended, involves detecting whether the information processing apparatus is connected to the external device so that they can communicate with each other, and acquiring partial information instead of full information of the attribute information for each of the images if it is detected that the information processing apparatus is connected to the external device.

For the Examiner's reference, an example of partial information and full information is shown in Fig. 5.

On the contrary, Yamaya describes digital camera which can employ PTP (Picture Transfer Protocol) or MSC (mass storage class). As discussed in the Background section, Yamaya notes a particular problem with MSC and PTP, namely that the user cannot easily know the relation of a main picture file and a sub file since they are all transferred as to same type of data. See e.g., paras [000]-[0012]. To resolve this problem, Yamaya provides a digital camera which is able to generate a "file table" in response to connecting to a personal computer through the USB. This file table (e.g., Fig. 6) shows the relationship between main picture files and subfiles. See e.g., paras [0074]-[0075] and [0078]. This file table is simply used to supplement the PTP system or the like to allow identification of relations of a main picture file and a sub-file. Yamaya would still transfer full information of the attribute information for each of the images under the PTP protocol when the information processing apparatus is connected to the external device. See also Applicant's Background of the invention.

The Malloy-Desormeaux reference does not remedy these deficiencies in the Yamaya teachings. This reference discloses to realize high speed access to information by

storing metadata in the memory, but is silent as to any acquiring of partial information instead of full information of the attribute information.

Accordingly, claim 1 and its dependent claims are believed to be distinguishable over the cited references. For similar reasons, claims 4, 7 and 13 and their dependent claims are also believed to be distinguishable over the cited references.

Further, dependent claim 2, as amended, recites that the partial information of the attribute information requires a shorter period of time to be acquired than the rest of the attribute information.

The Examiner in general acknowledges that Yamaya is silent as to this aspect, but appears to rely upon Malloy-Desormeaux to remedy the deficiencies in the Yamaya teachings. However, contrary to the Examiner's assertions, the systems of Yamaya and Malloy-Desormeaux (as relied upon by the Examiner) are completely different in operation particularly with respect to the manner in which image data and other information associated therewith are generated and maintained. As described above, Yamaya is a digital camera which may employ PTP or MCS. Malloy-Desormeaux as relied upon by the Examiner in paragraph [0086] involves a film frame or the like, such as used in APS film unit. Accordingly, one of ordinary skill in the art would not combine the teachings in the manner suggested by the Examiner. Accordingly, claim 2 is believed to be further distinguishable over the cited references.

**B. Claim 10:**

Claim 10 is directed to an image recording apparatus having an attribute information generation unit that generates attribute information related to image data of recorded images; and a transmission unit that transmits the attribute information generated by said attribute information generation unit to an external device. The image recording apparatus is

connected to the external device so that they can communicate with each other. The attribute information generation unit generates partial information of the attribute information for each of the images. The transmission unit transmits the generated partial to the external device.

Claim 10 has been amended to further reflect that that the transmission unit transmits the generated partial information instead of full information (of the attribute information for each of the images) to the external device. Claim 10 has also been amended to reflect that the apparatus includes memory for storing plurality of recorded images. That is, the transmission unit is able to transmit partial or full information of the attribute information for each of the images stored in memory.

As best understood, Kubo as relied upon by the Examiner simply shows a camera which employs an external storage medium 40, e.g., a memory card, to store images taken by the camera. Kubo appears to be directed to a process by which an image is sensed, processed and then subsequently recorded on the medium 40. Kubo is silent as to transmission of information relating to the recorded image on the medium 40 through the camera to some other external device and as to such transmitted information being partial information instead of full information of the attribute information for each of the images. Accordingly, claim 10 is believed to be distinguishable over the cited references.

**CONCLUSION**

Based on the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

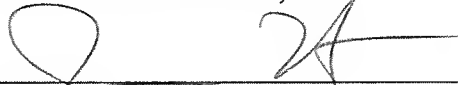
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5352.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No **13-4500**, Order No. 1232-5352.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: October 29, 2007

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